

DOCKET NO. IFF-36-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Popplewell et al.

Serial No.: 10/720,574

Art Unit: 1617

Filed : November 24, 2003

Examiner: John E. Hardee

For : ENCAPSULATED FRAGRANCE MATERIALS

Assistant Commissioner for Patents
Washington D.C. 20231

DECLARATION UNDER 37 CFR Section 1.131

Sir:

1) We, Michael Popplewell, Kaiping Daniel Lee, Johan Gerwin Lodewijk Pluyter, Yueqian Zhen and Joseph Brain are the joint inventors of the invention described and claimed in the above-identified application.

2) We are presently and were, at and before completion of the invention, in the employ of International Flavors & Fragrances Inc, the assignee of record of the entire right, title and interest in the above-identified application.

3) We constructed fragrance materials that are encapsulated with a polymeric material which is further coated with a cationic material for use in rinse-off applications associated with personal care and cleaning products in the United States prior to April 26, 2002.

4) That, notebooks in my possession simultaneously demonstrated conception and reduction of practice of the invention. Also the notebooks and internal IFF invention disclosures/presentations in my possession demonstrated the construction of fragrance materials that are encapsulated with a polymeric material which is further coated with a cationic material for use in rinse-off applications associated with personal care and cleaning products, as exemplified in the Examples of the Specification of United States Patent Application No. 10/720,574. Copies of these notebook pages, attached as Exhibits A-C, and internal IFF invention disclosures/presentations, attached as Exhibits D-F, specifically identified below, show that the applicants constructed catatonically coated polymeric encapsulated fragrances and validated the enhanced deposition of encapsulated fragrance material further coated with cationic material in rinse-off applications.

THAT, all of the work reported on these notebook pages and internal IFF invention disclosures/presentation was either directly performed by one or more co-applicants or was carried out under the direction and control of the co-applicants;

THAT, Exhibit A is a true copy of Notebook No. 00133 pages 9-21 from the notebook of Johan Pluyter;

THAT, Exhibit B is a true copy of Notebook No. 00133 pages 25-31 from the notebook of Johan Pluyter;

THAT, Exhibit C is a true copy of Notebook No. 00133 pages 34-43 from the notebook of Johan Pluyter;

THAT, Exhibit D is a true copy of an internal IFF invention disclosure prepared by Lewis Michael Popplewell entitled "Denali Patent Information", dated June 10, 2002;

THAT, Exhibit E is a true copy of an internal IFF Power Point Presentation prepared by Johan Pluyter entitled "Yosemite Patent Update", and although not dated company electronic records indicate the last revision was made on June 3, 2002;

THAT, Exhibit F is a true copy of an internal IFF Excel Spreadsheet document prepared by Johan Pluyter entitled "Headspace Comparisons on Fabric using Neat Fragrance, Uncoated Yosemite, and Coated Yosemite", and although not dated company electronic records indicate the last revision was made on May 30, 2002;

THAT, dates prior to April 26, 2002 on the Exhibits are redacted in accordance with MPEP §715.07;

The undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

/s/ Lewis M. Popplewell
Lewis Michael Popplewell

Date 11/10/2005

/s/ Kaiping Daniel Lee
Kaiping Daniel Lee

Date 11/10/2005

/s/ Johan Gerwin Lodewijk Pluyter
Johan Gerwin Lodewijk Pluyter

Date 11/10/2005

/s/ Yueqian Zhen
Yueqian Zhen

Date 11/10/2005

/s/ Joseph Brain
Joseph Brain

Date 11-10-2005